

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/227,568	ENGLAND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul Callahan	2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 6-21-06.
2. ☒ The allowed claim(s) is/are 3,4,6-8,15-17,19-22 and 27-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>6/26/06, 9/12/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                       | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Claims 3, 4, 6-12, 15-17, 19-22, 25, and 27-30 were pending in the instant application at the time of the previous Office Action. By the latest amendment, filed 6-21-06, claims 9-12 and 25 are additionally cancelled. Therefore claims 3, 4, 6-8, 15-17, 19-22, and 27-30 remain pending and have been examined.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE SPECIFICATION:

The paragraph beginning at page 1, line 11 is now replaced with the following:

This application is a continuation-in-part of U.S. Provisional Patent Application / Serial Number 60/105,891, filed on October 26, 1998, which is herein incorporated by reference, and is related to co-pending and co-filed U.S. Patent Applications titled; "System and Method for Authenticating an Operating System to a Central Processing Unit, Providing the CPU/OS with Secure Storage, and Authenticating the CPU/OS to a Third Party", US Application / Serial Number 09/266,207; "Loading and Identifying a Digital Rights Management Operating System ", US Application / Serial Number 09/227,611, now US Patent 6,327,652; "Digital Rights Management", US Application / Serial Number 09/227,559, now US Patent 6,820,063; and "Digital Rights Management Operating System", US Application / Serial Number 09/227,561, now US Patent 6,330,670.

***Allowable Subject Matter***

3. Claims 3, 4, 6-8, 15-17, 19-22, and 27-30 are allowed.

4. The following is an examiner's statement of reasons for allowance: The closest prior art in the field, Lipner et al., US 5,557,765, does not teach the combination of features of the claimed invention as set forth in the independent claims, particularly including:

As per claims 3 and 8, generating an application storage key from a hash seed value,

As per claim 4, generating a user storage key from a second hash seed value,

As per claim 6, encrypting a plurality of other storage keys using an operating system storage key,

As per claim 7, generating an operating system storage key based on the seed value,

As per claims 15, 16, and 17, generating an operating system storage key based on an identity for the operating system,

As for claim 19, encrypt a seed value for a storage key using an operating system storage key, claims 20 and 21 are dependent on claim 19 and are thereby allowable on that basis,

As for claim 22, a storage key based on a seed value where the storage key is specific to a user,

As for claim 27, an authenticated operating system that encrypts downloaded information using a storage key based on a seed value, and which encrypts the seed value using the operating system storage key, claims 28-30 are dependent on claim 27 and are thereby allowable on that basis.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

8/22/06

PEC

*Paul Callahan*

*E. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER  
*9-1-06*